

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GREGORY F.,¹

Case No. 23-cv-3787 (LMP/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

MICHELLE KING, *Acting
Commissioner of Social Security
Administration*

Defendant.

Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Leo I. Brisbois, which recommends remanding the present case to the Social Security Administration for further proceedings. ECF No. 12. No objections have been filed to the R&R in the time period permitted, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. § 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam).

Remand, here, is particularly appropriate where an entirely new and severe impairment arose after the state agency consultant’s opinion issued and the Administrative Law Judge discounted the only medical opinion in the record regarding the new and severe impairment. ECF No. 12 at 21. Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

¹ This District has adopted the policy of using only the first name and last initial of any nongovernmental parties in Social Security opinions.

1. The R&R (ECF No. 12) is **ADOPTED**;
2. Plaintiff's request for relief (ECF No. 9) is **GRANTED in part** and **DENIED in part**, as set forth in the R&R;
3. Defendant's request for relief (ECF No. 10) is **DENIED**; and
4. This case is **REMANDED** to the Social Security Administration for further proceedings.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 27, 2025

s/Laura M. Provinzino

Laura M. Provinzino
United States District Judge